

Town of Lincoln

100 Old River Road, Lincoln RI

Zoning Board of Review

July 10, 2007 Minutes

**Present: Raymond Arsenault, Kristen Rao, Gabriella Halmi, John Bart, David Gobeille, Jina Karampetsos,
Town Solicitor Anthony DeSisto**

Excused: Arthur Russo, Jr.

Minutes

• Motion made by Member Halmi to accept the June Minutes as presented. Motion seconded by Member Karampetsos. Motion carried with a 5-0 vote.

Applications

JCM, LLC, 3434 Mendon Road, Cumberland, RI – Dimensional Variance seeking lot width relief for the purpose of subdividing property located at Jenckes Hill Road, Lincoln, RI.

AP 26, AP 2 Zoned: RA-40

Member Arsenault read into the record correspondence dated July 10, 2007 from Michael Kelly, Attorney for applicant asking that the application be continued to the August 7, 2007 meeting. Motion made

by Member Gobeille to continue the application to the August agenda. Motion seconded by Member Karampetsos. Motion carried with a 5-0 vote.

Russell Hervieux, Zoning Official addressed the Board stating he objected to this application being on the agenda.

Sean F. Gorman, 90 Angell Road, Lincoln, RI – Dimensional Variance seeking relief on the north side property line for the construction of an addition.

AP 43, Lot 9 Zoned: RS 20/RA 40

Chairman Arsenault read into the record standards that need to be met for a Dimensional Variance

Applicant is seeking a setback for the construction of an addition consisting of one bedroom with attached two car garage. There is an existing sunroom on a slab and the best location for the addition is on the south side of the property. Property on the north side is owned by the state and is not buildable. House was built in the 1950s and has a pre existing condition. A stairway will lead to the second floor and driveway is on the north side of the property. Member Rao asked if an existing shed will be removed and applicant replied it will be moved to the middle of the property not near the wetlands. Exterior of the addition and roofing will match existing house. Other homes in the area have two car garages. House falls into a RS 20

district.

Chairman Arsenault read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of this application. The Planning Board feels that the proposed design and layout of the existing single family limits the owners to the area in which they can locate an addition. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the neighborhood

Motion made by Member Karampetsos to grant a 3'3" variance on the north side of the property stating:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**

- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property

Motion seconded by Member Rao. Motion carried with a 5-0 vote.

**Quinnville Fire Department, 861 Lower River Road, Lincoln, RI –
Special Use Permit to expand existing fire station.**

AP 29, Lot 85 Zoned: RA 40

Represented by: Fire Chief Stephen Nunes

Russell Hervieux, Zoning Official addressed the Board stating the applicant had appeared in the past for a Special Use Permit and it was not necessary for them to readdress the application. Applicant requested that the application be withdrawn without prejudice.

Motion made by Member Halmi to accept withdrawal of the application without prejudice. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

**Quinnville Fire Department, 861 Lower River Road, Lincoln, RI –
Dimensional Variance seeking front and rear yard relief for the construction of an addition.**

AP 29, Lot 85 Zoned: RA 40

Represented by: Fire Chief Stephen Nunes

Chairman Arsenault read into the record standards that need to be met for a Dimensional Variance. The fire department has been at this location since 1928 and was originally on three lots which were combined in 2004. Building envelope is small and current building is undersized. The proposed addition will be maintained by the fire department and will house the fire truck which is a tight fit. Any future equipment purchased by the department may be slightly longer. Recently purchased fire truck was built to fit the existing garage. There will be no additional lighting except for possible flood lights at the rear of the building. No ladder trucks will be stored at the site and no additional personnel will be hired.

Chairman Arsenault read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of this application. The Planning Board feels that the proposed design and layout of the existing fire station and the configuration of the existing lot limits the owners to the area in which they can locate the proposed addition. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the neighborhood.

Motion made by Member Rao to grant 17.67 foot rear yard and 19.82 foot front yard setbacks stating:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.
- The relief requested is the least relief necessary.
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property

Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

A.F. Homes, LLC, P.O. Box 2312, Pawtucket, RI/3J Corporation, 90 Industrial Circle, Lincoln, RI – Dimensional Variance seeking rear and side yard setbacks for the construction of 48 residential condominium units under Article III, Section of the zoning code.

AP 2, Lot 82 Zoned: MG 0.5

Represented by: John Mancini

This project has been before the Planning Board and Zoning Board in October 2006. The Planning Board granted a Use Variance in October

2006. Master Plan was approved in February 2007 with a condition that they return to the zoning Board to clarify the building. Originally proposed 48 units but are now asking for 40 units with 80 parking spaces and want to retro fit the building. Need to return to the Planning Board for preliminary plan approval. Building is located in an MG 0.5 zone and is non conforming by dimensional. Applicant needs 7.17 feet side yard, 29.07 feet rear yard and 33.12 foot front yard setbacks. They are not expanding the building size.

Member Arsenault stated parking was an issue when they were looking at 96 spaces and has this changed. Applicant replied with 40 units they are required to provide 80 spaces (40 units x 2 spaces each). They will be planting vegetation and landscaping the property and showed the Board the new plans (submitted into the record as Exhibit #1).

Witness

Armand Ferland, Owner

Number of parking spaces has been reduced and they will be retrofitting the building. Any lighting issues will be addressed by the Planning Board and this Board can impose conditions if they so desire. Applicant cannot proceed if lighting does not meet code.

Chairman Arsenault read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and

reviewed the submitted plans and application. The proposed dimensional variances are to clear up the pre-existing nonconformance of this parcel of land. This lot and existing buildings were platted and developed before present-day zoning regulations. Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of this application. The Planning Board finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Opposed

Pamela Hunt

She is concerned about parking and trucks traveling the site. Attorney Mancini replied that at the October meeting a traffic impact study was presented and will be resubmitted for review during the preliminary plan meeting with the Planning Board.

Member Karampetsos stated she has had prior dealings with the applicant but has no financial interest in the property.

Motion made by Member Halmi to grant 33.12 foot front, 29.07 foot rear and 7.17 foot side yard setback stating:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a

physical or economic disability of the applicant.

- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property.**

Motion seconded by Member Rao. Motion carried with a 5-0 vote.

**Eparchy of St. Maron of Brooklyn, NY, 5 Main Street, Pawtucket, RI –
Special Use Permit to construct a church and maintain existing
building as an accessory use for property located at 171 Twin River
Road, Lincoln, RI.**

AP 45, Lot 361 Zoned: RA 40

Represented by: John Shekarchi, Esquire

**Chairman read into the record standards that need to be met for a
Special Use Permit.**

**Applicant is a parent diocese of St. George Church in Pawtucket
which was destroyed by fire 20 months ago. They purchased land on**

Twin River Road and the proposed structure sits within the building envelope. An existing building will be used as a rectory. Application meets all dimensional requirements and has access to town water and sewer. Applicant intends to extend an evergreen buffer on the southern side of the building. Planning Board has already approved the application with a recommendation that they appear before the Zoning Board (Recommendation submitted into the record as Exhibit #1).

Witness

Edward Pimentel

He has appeared before this Board as an expert witness on past applications and submitted his report into the record as Exhibit #2. Motion made by Member Karampetsos to accept Mr. Pimentel as an expert witness. Motion seconded by Member Gobeille and carried with a 5-0 vote.

Mr. Pimentel is familiar with the Town's comprehensive plan; reviewed the application; performed a neighborhood analysis; and visited the site. Witness feels applicant complies with all criteria with no dimensional issues and is consistent with the standards read by Chairman Arsenault. The parcel in question is 8 acres, uniquely shaped with six boundaries. Residential homes are located to the rear of the property. The proposed structure covers 4.5% of the lot area with 80% remaining untouched. The church will be located as far backwards as possible on the lot with two lanes of travel totaling

24 feet wide. The Technical Review Committee submitted a recommendation to the Planning Board who gave a positive recommendation to the Zoning Board. Proposed use is allowed under Article 2 A, Section 4.3. Granting this application will not affect the ordinance nor the Comprehensive plan or alter the neighborhood. It is his conclusion that applicant meets all the standards and the Comprehensive Plan.

Member Rao asked witness if the proposal will affect the neighborhood traffic during service hours. Mr. Pimentel replied services will result in different peak periods and applicant is providing a surplus grassed parking area to avoid spillage onto Twin River Road.

Witness

James Salem, Traffic Expert

He has appeared before this Board as an expert witness on past applications and submitted his report into the record as Exhibit #3 which included his credentials. Motion made by Member Halmi to accept him as an expert witness. Motion seconded by Member Karampetsos and carried with a 5-0 vote.

He is familiar with the area and neighborhood and did traffic study at the site with traffic counts at the Twin River Casino entrance on the north side of the entrance and .4 miles to the west of the entrance. Twin River Road is a two lane, 45 foot wide state road with posted

limits of 35mph. Using ITE trip generation figures , the church would generate 150 trips per day (Saturday 5-8pm) and 450 on Sunday (9am-noon). A “trip” is defined as a vehicle movement. The parish consists of 200 families and has different peak hours than a business.

The minimum stopping distance is 250 feet. Witness met with police department regarding accidents in the area. Most accidents reported were within the Twin River Casino facility and not on the road. Parking meets and exceeds the town standards with no parking on the road. It is his opinion that the project will not cause parking hazards or congestion. Lighting will not exceed the height requirements and drains will be installed to avoid puddling.

Member Halmi stated he has attended the parish festival at the Pawtucket location and what will be done about parking for their special events. Witness replied the parish will hire halls off site to accommodate large parties.

Witness

Robert Anderson, Bryant Associates

He is a licensed engineer in Rhode Island and Massachusetts with 28 years of experience. Motion made by Member Rao to accept Mr. Anderson as an expert witness. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

He is familiar with the site and feels the project will not alter the

character of the area or have a negative impact. He conducted a site utility investigation and met with the Town Engineer. Operating pressure is satisfactory and there is an existing sewer line in front of the parcel. Submitted into the record memo to Jean Tondreault, PE dated June 15, 2007 as Exhibit #4.

Witness

Scott Robidoux, Wetlands Scientist

He has appeared before this Board as an expert witness on past applications and submitted his credentials into the record as Exhibit #5. Motion made by Member Karampetsos to accept him as an expert witness. Motion seconded by Member Gobeille and carried with a 5-0 vote.

There are two wetlands areas on the property which meets the three acre size criteria with an existing driveway through the wetlands. Soil and erosion controls for the property will be in place. Member Halmi asked if the two detention ponds will affect the wetlands and he replied they will protect the wetlands. The retention ponds are on the plans but have not yet been designed.

Witness

Richard Kuehl, Architect

He is an architecture and design expert and has appeared before this Board as an expert witness on past applications. Motion made by Member Halmi to accept him as an expert witness. Motion seconded

by Member Gobeille and motion carried with a 5-0 vote.

Site will be well vegetated and the entrance slopes slightly. Parking will be at the rear of the property and meets all town codes for number of parking spaces. Additional buffer will be planted so as not to disturb the neighbors. Member Halmi asked if accessibility will be by stairs only or will there be handicap access. Witness replied accessibility will be available at grade level. Member Rao asked what the capacity of the hall was and Mr. Kuehl replied maximum of 400 with 250 seated. The church capacity is 300 and classrooms hold 20. Exterior will be stone faced with shingled asphalt roofing. Any signage will be to code and lighting will be low lit with no spillage.

Witness

Bishop Michael Thomas, Brooklyn, NY

He runs the diocese in Brooklyn and is the church legal counsel. Parish started 80 years ago in Providence to serve the Lebanese and Syrian parishioners. His territory runs from Maine to Florida. St. George took a census three years ago with majority of parishioners being in Lincoln and Johnston. The church in Pawtucket burned last year and they have been looking for a new location to rebuild their church. Needs to offer services to the area.

Witness

Father DeNesto, Pastor

He was appointed pastor in July 2006. Church hours vary and they

are currently renting space to hold services. They average 10-11 weddings per year and all large events are held off premises.

In Favor

Anthony Solomon, Parishioner

Majority of the parishioners live and work in Lincoln. Would like to see a church established in town and most family lives revolve around the church.

In Favor

Thomas Tannery

He employs 150 people in town and has been in operation since 1976. The church burned in October 2005 and the proposed site is perfect for its needs. Land is difficult to find and they have been searching for a new site for 20 months.

In Favor

Fred Simon

This is a family oriented parish and they have been looking for a new site to build the church. Does not see why parish needs to defend this proposed location when there is a casino in town.

In Favor

Milan Azar

Parish has older members and can understand abutter's fear of unknown new use. The parish has tried to be a good neighbor and

will continue to do so. Feels this is an excellent site for a new church.

Opposed

Antoinetta Lenza, 125 Twin River Road, Lincoln

Lives next door to the proposed site and was never informed about the Planning Board meetings. Her lot is long and narrow and likes her privacy and does not want her quality of life to change. This is a residential area and not a place for a church.

Joan Mignaca, 195 Twin River Road, Lincoln

Would like see traffic coming from the west addressed. Feels traffic on Sunday mornings will be a problem. Has lived at this location for 18 years. The casino rotary is a traffic problem. She is not against the church but is concerned about traffic.

Robert Tetreault, 177 Twin River Road, Lincoln

There are five driveways in a 1/10 mile radius of the traffic study. Posted speed limit is 35mph but traffic travels faster than that. He has an 8 inch pipe running under his driveway which causes flooding in heavy rain. How high will the church steeple be?

George Tuttell, 179 Twin River Road, Lincoln

Did not receive notice of tonight's meeting until he called. Informed he was not within the 200 foot radius for notice.

Chairman read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of the Special Use Permit for the construction of a church and maintenance of the existing building as an accessory use for this property. The current property is approximately 8 forested acres. The site plans and application specifically details the proposed location of the church and its parking as well of the proposed extensive evergreen buffering along the southern side of the property. The church is proposed to be located 387 feet into the property. The Planning Board feels that due to the large size of the property, the proposed evergreen buffer and the unique nature of the building's use, the applicant presents a realistic and thoughtful site layout that meets the intent of the zoning and would not be detrimental to the neighborhood.

Motion made by Member Karampetsos to approve the application with a condition that a significant evergreen buffer be planted on the west side of the property. She further stated:

- That the Special Use is specifically authorized under this Ordinance**
 A church is allowed under 42 USC 2000, Article II A 4.3.
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
 Proposed parking is in conformance with Article II A – J with suitable spaces and a surplus to prevent overflow (108 spaces) with landscaped buffers and appropriate surfaces for water and

runoff

 Church generates the lowest form of trip generation with a small parish of 200 parishioners. Opposite peak hours when compared to residential/commercial/industrial

 Maintain level of service on Twin River Road

 Directional low lighting not higher than 15 feet

 Utilities are suitable with town water and sewer

• That the granting of the Special Use will not alter the general character of the surrounding area

 20% land use is minimal and no additional dimensional variances are required.

 The design is intended to blend with the characteristics

 Will maintain wetlands and natural vegetation

 Will maintain existing building, setbacks and roadway

• That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan

 Will buffer residential neighborhood

 Proposal is consistent with general purposes

Motion seconded by Member Rao. Motion carried with a 5-0 vote.

Motion to adjourn made by Member Rao. Motion seconded by Member Halmi. Motion to adjourn carried with a 5-0 vote.

Respectfully submitted,

Ghislaine D. Therien

Zoning Secretary